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Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, DC 20554

September 15, 2010

**Re: Notice of *Ex Parte* Communication in GN Dkt 10-25, MB Dkt 09-182, MB Dkt 00-168, MB Dkt 07-269**

Dear Ms. Dortch,

Pursuant to section 1.1206(b) of the Commission's rules, Free Press submits this notice regarding an *ex parte* communication in the above referenced proceedings.

On September 14, 2010, Dr. S. Derek Turner, Research Director for Free Press, and Corie Wright, Policy Counsel for Free Press, met with the following members of the FCC's Future of Media team: Elizabeth Adrion, Bill Freedman, Sherille Ismail, Jamila Bess Johnson, Bob Ratcliffe, Steve Waldman, and Krista Witanowski.

In the meeting we discussed a wide range of topics regarding policies to increase the quantity and quality of news and information in local communities. In particular, Free Press urged prompt implementation of FCC Form 355, adopted in 2008,<sup>1</sup> which is critical to providing the public with the information it needs to hold local broadcasters accountable to their communities of license, as well as to provide the Commission with the data it requires to make informed media policy decisions. For example, Form 355 would provide the FCC with information to assess how media structure affects the provision of news and information, as well as to evaluate whether and how broadcast licensees are using multicast capabilities gained through the digital television transition.

Free Press emphasized the need to maintain or tighten current media ownership limits to remediate barriers to entry for new media entrants, and to ensure a modicum of diversity among traditional media outlets, such as newspapers and local television stations, which continue to be the primary sources of news and information for local communities. We highlighted that in a number of markets, broadcast television stations who are ostensibly in-market competitors are airing identical news stories, as well as maintaining virtually identical news websites pursuant to contractual agreements to share news production and facilities. Nominally, the

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<sup>1</sup> *Standardized and Enhanced Disclosure Requirements for Television Broadcast Licensee Public Interest Obligations; Extension of the Filing Requirement for Children's Television Programming Report*, Report and Order, 15 FCC Rcd 19816 (Mar. 13, 2008).

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stations retain separate ownership status. But, as a practical matter, the arrangements have all the indicia of common ownership that in many cases would be prohibited by the local broadcast television ownership rules. We urged the Commission to investigate whether these types of agreements are evading the FCC media ownership rules – or, at the very least, are circumventing the Commission’s long-held goals of competition and diversity.

Free Press also discussed several proposals that have the potential to increase diversity in media sources, and in particular to increase representation by groups and individuals that have been historically underrepresented in media ownership, including:

- *Must carry rights for Class A television stations:* Free Press encouraged the FCC to explore options granting must carry status for Class A low power television stations that provide a significant amount of local news and public affairs programming. Such a policy would incentivize the provision of local news and information programming by Class A stations that currently have must carry rights in only very limited circumstances.
- *S License Proposal:* Free Press also encouraged the Commission to consider a proposal advanced by the Media Access Project and endorsed by the FCC’s Advisory Committee on Diversity for Communications in the Digital Age to create an “S License” which would enable full power broadcasters to assign a portion of unused to digital multicast capability to a qualifying entity in exchange for a fee. Properly implemented, the proposal could facilitate increased source diversity and ownership of broadcast media by underrepresented groups, including women and people of color, as well as further the Commission’s core goals of equitable and efficient spectrum use. The proposal also creates the potential for an additional revenue stream for broadcast television licensees.
- *Expand Diversity Opportunities in the MVPD Market:* Free Press recommended that the FCC adopt its proposed “Cable Subscriber Survey” form to assess whether the so-called “70/70” test set forth in section 612(g) of the Communications Act has been reached.<sup>2</sup> If this data shows that the threshold has been met, the Commission should explore ways, pursuant to section 612(g), to “promulgate any additional rules necessary to provide diversity of information sources” via the cable medium.<sup>3</sup>
- *Adarand Studies:* Free Press urged the Commission to conduct the long over due “Adarand Studies” to comprehensively assess the evidentiary basis for supporting targeted media diversity initiatives. In particular, the FCC should focus on how historical broadcast license allocation decisions may have adversely impacted ownership opportunities for women and people of color. The Commission should also assess how the FCC’s passive participation in discriminatory practices in advertising and capital markets perpetuated and compounded barriers to entry for underrepresented groups to create and sustain successful media businesses.

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<sup>2</sup> *Media Bureau Seeks Comment on a Cable Subscribership Survey for the Collection of Information Pursuant to Section 612(g) of the Communications Act*, Public Notice, 24 FCC Rcd 217 (2009).

<sup>3</sup> See 47 U.S.C. §532(g).

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In accordance with the Commission's rules, this *ex parte* notice is being filed electronically in the above referenced dockets. If you have any questions regarding this filing, please do not hesitate to contact me.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Corie Wright

Policy Counsel  
Free Press

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